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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/676,355	09/17/1998	HEINZ GERHAEUSER	960160	1780
7590	08/29/2006		EXAMINER	
KARL HORMANN 86 SPARKS STREET CAMBRIDGE, MA 021382216			MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/676,355	GERHAEUSER ET AL.	
	Examiner	Art Unit	
	Naghmeh Mehrpour	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 6/12/01.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 30-61 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 30-61 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-38, 40-47, 49-60,** are rejected under 35 U.S.C. 102(b) as being by Kobayashi et al. (US Patent 5,086,511).

Regarding claims 1, 57, Kobayashi teaches a method of determining and providing radio signals and data relating to radio signals receivable at an actual receiving site, comprising the steps of:

utilizing local data in a radio system wherein receiving sites in a given receiving area are covered by at least one transmitter;

utilizing for determining data about radio signals receivable at the actual receiving site, at least one first list containing data about radio signals receivable in principle in the given receiving area;

associating at least one signal with the data in the at least one first list and relating to radio signals transmitted by the at least one transmitter;

utilizing at least one second local list for the selection of all radio signals receivable at the actual receiving site and data in the at least one first list relating to such radio signals, said at least one second list containing for a given partial area of the receiving area the signals associated with the data relating to radio signals receivable in the partial area; and

directly providing on the basis of the data provided a radio signal selected from all of the radio signals receivable at the actual receiving site.

We understand that applicant teaches a method of determining a wireless system wherein receiving location data comprises: first lists "A" which contain local data and indicators for local area served by more than one transmitters. Kobayashi teaches a mobile receiver, such as portable radio receiver in figures 1 to 4. The radio receiver can be mounted on vehicle. The radio receiver allows easy discrimination of the broadcasting station name of a broadcast received during transfer of the receiver. The receiver can receive different broadcasts of the same frequency f1 from different broadcasting stations in the area A, B, E and X. The lists are known in a table (see figure 3, col 2 lines 57-67). The data previously stores in memory 12, frequencies receivable in the different areas as well as broadcasting name data associated are stored in the memory circuit 10. When the receiver area is changed the data stored in the memory circuit 10 and the data stored in the user memory 12 and utilized (see figure 1, col 2 lines 41-47). Shown in the figure 4 more specially, one of the area selection keys "N", "S", "E" and "W" operated at the operated board 6 is judged. On the basis of the determined result, the data of the corresponding area is read out from the

memory circuit 10 and set at the control circuit 7 to thereby change the indication of the area name and receiving circuit 10 and set at the control circuit 7 to thereby change the indication of the are name and receiving broadcast station name on the display 11 (col 3 lines 47-56). In the figures 2, and 3, the different lists are shown. The user of the mobile receiver know how the name of one of broadcasting station name on the same broadcasting frequency located in different areas, to which the user is listing.

Regarding claim 31, Kobayashi teaches a method of claim 30, further comprising the step of determining and utilizing as local data local coordinates of the actual receiving site (figures 1-3, col 2 lines 47-67).

Regarding claim 32, Kobayashi teaches a method of claim 31, further comprising the step of determining the data by radio signals actually receivable at the actual receiving site (figures 1-3, col 2 lines 47-57).

Regarding claim 33, Kobayashi teaches a method of claim 30, wherein the data relating radio signals in principle receivable within a receiving area covered by at least one transmitter is transmitted by the at least one transmitter (figures 1-3, col 2 lines 47-57).

Regarding claim 34, Kobayashi teaches a method of claim 33, further comprising the step of storing in a receiver the data relating to radio signals in principle receivable in a receiving area covered by the at least one transmitter (figures 1-3, col 2 lines 47-57).

Regarding claim 35, Kobayashi teaches a method of claim 34, further comprising the step of exchanging only information stored in the receiver which is affected by changes of radio signals receivable within a receiving area covered by at least one transmitter (figures 1-3, col 2 lines 47-57, col 3 lines 64-68, col 4 lines 1-2).

Regarding claim 36, Kobayashi teaches a method of claim 30, wherein the data in the at least one first list receivable as a function of the actual receiving site is transmitted by the at least one transmitter (figures 1-3, col 2 lines 47-57).

Regarding claim 37, Kobayashi teaches a method of claim 36, further comprising the step of storing in a receiver the data in the at least one list receivable as a function of the actual receiving site (figures 1-3, col 2 lines 47-57).

Regarding claim 38, Kobayashi teaches a method of claim 37, further comprising the step of exchanging, when changing from a first receiving site to a new receiving site, only data relevant to the new receiving site which differs from data relating to the first receiving site (figures 1-3, col 2 lines 47-57 col 3 lines 64-68, col 4 lines 1-2).

Regarding claim 40, Kobayashi teaches a method of claim 30, wherein the second local lists containing for a given partial area of the receiving area the signals associated with

the radio signals receivable in the partial area are compiled to a single list (figures 1-3, col 2 lines 47-57 col 3 lines 64-68, col 4 lines 1-2).

Regarding claim 41, Kobayashi teaches a method of claim 30, further comprising the steps of determining from a plurality of local lists the second local list valid for an actual receiving site by local data relating to the actual receiving site and of selecting with the second list from the at least one first list the data relating to all radio signals receivable at the actual receiving site (figures 1-3, col 2 lines 47-57 col 3 lines 64-68, col 4 lines 1-2).

Regarding claim 42, Kobayashi teaches a method of claim 30, further comprising the steps of associating numbers as signals to the data relating to radio signals receivable in principle in a receiving area covered by at least one transmitter, whereby the local list is compiled of sequences of the numbers (figures 1-3, col 2 lines 47-57 col 3 lines 64-68, col 4 lines 1-2). Kobayashi determining receiving location data wirelessly when the sweeping key is operated, this cause the PLL circuit to sequentially changes the receive frequency to be set at the electronic tuner 2 (see figure 1, col 2 lines 10-19).

Regarding claim 43, Kobayashi teaches a method of claim 42, wherein the data relating to radio signals receivable in principle within a receiving area covered by at least one transmitter and the associated numbers are transmitted by the at least one transmitter (figures 1-3, col 2 lines 47-57 col 3 lines 64-68, col 4 lines 1-2).

Regarding claim 44, Kobayashi teaches a method of claim 42, wherein the data relating to radio signals receivable in principle within a receiving area covered by at least one transmitter and the associated numbers are stored in a receiver (figures 1-3, col 2 lines 47-57 col 3 lines 64-68, col 4 lines 1-2).

Regarding claim 45, Kobayashi teaches a method of claim 30, wherein the data in the at least one first list of radio signals receivable as a function of the actual receiving site are transmitted by the at least one transmitter as sequences of numbers (figures 1-3, col 2 lines 10-19, lines 47-57, col 3 lines 64-68, col 4 lines 1-2). Kobayashi determining receiving location data wirelessly when the sweeping key is operated, this cause the PLL circuit to sequentially changes the receive frequency to be set at the electronic tuner 2 (see figure 1, col 2 lines 10-19).

Regarding claim 46, Kobayashi teaches a method of claim 30, wherein the data in the at least one first list of radio signals receivable as a function of the actual receiving site are stored in a receiver (col 3 lines 1-13).

Regarding claim 47, Kobayashi teaches a method of claim 30, wherein the data relating to radio signals in principle receivable in a receiving area covered by at least one transmitter and the data relating to radio signals in the at least one first list receivable as a function of the actual receiving site include frequency bands, channels and frequency

blocks in addition to at least one of a currently received frequency band, channel and frequency block (figures 1-3, col 2 lines 47-57, col 3 lines 64-68, col 4 lines 1-2).

Regarding claim 48, Kobayashi teaches a method of claim 30, further comprising the step of at least approximately determining the actual receiving site by one of utilizing definitions signals relating to the transmitter site transmitted by the at least one transmitter and a phase comparison hyperbolic position fixing process (col 2 lines 10-19).

Regarding claim 50, Kobayashi teaches a method of claim 30, wherein the same radio signals are receivable at each site within a partial area associated with a second local list and pertaining to a receiving area covered by the at least one transmitter (figures 1-3, col 2 lines 47-57, col 3 lines 64-68, col 4 lines 1-2).

Regarding claim 51, Kobayashi teaches a method of claim 30, wherein for an actual receiving site in a partial area transmitters transmit the data relating to radio signals receivable in the radial area and an adjacent area. Kobayashi teaches a method wherein the frequencies receivable in the different areas as well as broadcasting name data associated therewith are stored in the memory circuit 10. Circuit 9 determined by comparing that data at current position is matched with the stored data (memory 10), then the name of the broadcasting station being received at the current position is read out from the memory indicated on the display (figure 1, col 3 lines 1-13).

Regarding claim 52, Kobayashi teaches a method of claim 30, wherein for an actual receiving site in a partial area the data relating to radio signals receivable in the partial area and an adjacent area are stored in a receiver at the actual receiving site.

Kobayashi teaches a method wherein the frequencies receivable in the different areas as well as broadcasting name data associated therewith are stored in the memory circuit 10. Circuit 9 determined by comparing that data at current position is matched with the stored data (memory 10), then the name of the broadcasting station being received at the current position is read out from the memory indicated on the display (figure 1, col 3 lines 1-13).

Regarding claim 53, Kobayashi teaches a method of claim 52, wherein during change from a receiving site to a further receiving site in an adjacent partial area data relating to receivable radio signals in the adjacent partial area are stored and data relating to radio signals in partial areas no longer adjacent to the further receiving site are removed from the storage. Kobayashi teaches a method wherein the frequencies receivable in the different areas as well as broadcasting name data associated therewith are stored in the memory circuit 10. Circuit 9 determined by comparing that data at current position is matched with the stored data (memory 10), then the name of the broadcasting station being received at the current position is read out from the memory indicated on the display (figure 1, col 3 lines 1-13).

Regarding claim 54, Kobayashi teaches a method of claim 53, further comprising the step of utilizing data relating to directional movement prior to arrival at the further receiving site for accelerating the exchange of data in the storage. Kobayashi teaches a method wherein the frequencies receivable in the different areas as well as broadcasting name data associated therewith are stored in the memory circuit 10. Circuit 9 determined by comparing that data at current position is matched with the stored data (memory 10), then the name of the broadcasting station being received at the current position is read out from the memory indicated on the display (figure 1, col 3 lines 1-13).

Regarding claim 55, Kobayashi teaches a method of claim 30, wherein the radio signal in the radio system comprise at least one of receivable program signals, types of programs and transmitters (figures 1-3, col 2 lines 47-57, col 3 lines 64-68, col 4 lines 1-2).

Regarding claim 58, Kobayashi teaches an apparatus of claim 57, wherein the control means determines the local list valid for the actual receiving site on the basis of local data and on the basis of the determined local list selects the data relating the radio signals receivable at the actual receiving site from the at least one first list (figures 1-3, col 2 lines 47-57, col 3 lines 64-68, col 4 lines 1-2).

Regarding claim 60, Kobayashi teaches an apparatus of claim 57, wherein the storage is a random access memory further comprising one of an antenna and a further storage for receiving and storing data relating to radio signals in principle receivable in a receiving area covered by the at least one transmitter Kobayashi teaches a method wherein the frequencies receivable in the different areas as well as broadcasting name data associated therewith are stored in the memory circuit 10. Circuit 9 determined by comparing that data at current position is matched with the stored data (memory 10), then the name of the broadcasting station being received at the current position is read out from the memory indicated on the display (figure 1, col 3 lines 1-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 39, 49, 61,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (US Patent 5,086,511).

Regarding claim 39, Kobayashi fails to teach that receiving data for means served by lists A are displayed once in a transmission cycle, and the receiving data for areas on lists B are displayed more often. However Examiner takes an official notice that a method of receiving data for means served by lists A are displayed once in a

transmission cycle, and the receiving data for areas on lists B are displayed more often is well known in the art. Therefore, it would have been obvious to ordinary skill in the art the time the invention was made to use the above teaching to Kobayashi, in order to provide convenience for the user.

Regarding claim 49, Kobayashi fails to teach that satellite navigation is used for determining the actual receiving location. However, Examiner takes official notice that using satellite navigator such as GPS is well known in the art. a method of claim 30, further comprising the step of determining the actual receiving site by a satellite navigation system. Therefore, it would have been obvious to ordinary skill in the art the time the invention was made to use GPS with Kobayashi system, in order to provide efficient method of determining the actual receiving location.

Regarding claim 61, Kobayashi fails to teach an apparatus of claim 57, wherein the principle further comprising means for indicating is manually controllable and comprises one of video or audio display. However, Examiner takes an official notice that the principle further comprising means for indicating is manually controllable and comprises one of video or audio display is well known in the art. Therefore, it would have been obvious to ordinary skill in the art the time the invention was made to use the above teaching to Kobayashi, in order provide convenience for the user.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

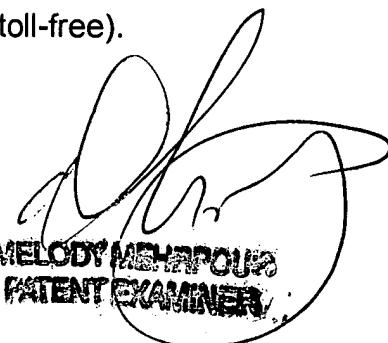
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro be reached (571) 272-7876.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

August 9, 2006



MELODY MEHRoush
PATENT EXAMINER

A handwritten signature of Melody Mehroush is written over a circular official seal. The seal contains the name "MELODY MEHRoush" on top and "PATENT EXAMINER" on the bottom, both in a bold, sans-serif font.